



PATENT
Customer No. 22,852
Attorney Docket No. 9007.0003-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
David SEIDLER et al.)	Group Art Unit: 3732
)	
Application No.: 10/728,984)	Examiner: Robyn K. Doan
)	
Filed: December 8, 2003)	Confirmation No.: 1104
)	
For: DEVICE INCLUDING A COVER)	
HAVING LIMITED OPENING)	
MOVEMENT)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Applicants submit the following remarks in response to the Office Action dated March 31, 2006, the period of response to which is extended for one month to May 31, 2006, by the Petition for Extension of Time and fee payment filed herewith.

In the Office Action, the Examiner required an election between the following alleged species:

“Species I: figures 1-7b (claims 1-36)”; and

“Species II: figures 8a-15 (claims 37-41).”

Applicants respectfully request that the Examiner reconsider and withdraw the election of species requirement. For a number of reasons, the election of species requirement is ambiguous because the Office Action does not clearly set forth the alleged species subject to the election requirement. For example, the Office Action lists claims 1-36 as corresponding to Figs. 1-7b of the present application, but those claims include recitations relating to magnets that are not shown in Figs. 1-7b. Also, Applicants do not understand why the Office Action lists only claims 37-41 as corresponding to Figs. 8a-15, given that each of pending claims 1-41 recites subject matter shown in Figs. 8a-15. Further, the Office Action’s statement that “species II does not need the presence of the magnets as claimed in species I” is inconsistent with listing Figs. 8a-15 as being part of Species II, since Figs. 8a-13 show magnets. Moreover, although Applicants do not disagree with the Examiner’s indication that “claim 37 is generic,” Applicants do not understand why the Office Action does not list claim 37 as being a claim corresponding to both Figs. 1-7b and Figs. 8a-15.

In light of the above-mentioned ambiguities, Applicants respectfully submit the election of species requirement should be withdrawn. Notwithstanding these ambiguities, and without prejudice to submitting a petition to request review of the election of species requirement, to be fully responsive to the Office Action’s requirement to elect an alleged species and to list “readable” claims, Applicants provisionally elect to


prosecute the alleged "species" shown in Figs. 8a-15 and identify each of pending claims 1-41 as being readable on the elected "species."

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 15, 2006

By: 
Anthony M. Gutowski
Reg. No. 38,742